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November 7, 2006

BY E-FILE

The Honorable Sue L. Robinson
United States District Court
844 King Street
Lock Box 31
Wilmington, DE 19801

Re: **Clyde Mease, Jr., v. Wilmington Trust Company**
C.A. No. 06-271-SLR

Dear Judge Robinson:

In preparation for the pretrial conference scheduled for November 8, 2006, the parties are submitting the agreed upon Scheduling Order.

Sincerely yours,



Sheldon N. Sandler

SNS:sde

Attachment

cc: Gary W. Aber, Esquire (w/attachment)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|--------------------------|---|------------------------|
| CLYDE E. MEASE, JR., |) | |
| |) | |
| Plaintiff, |) | |
| |) | C.A. No. 06-271-SLR |
| v. |) | |
| |) | |
| WILMINGTON TRUST COMPANY |) | Trial By Jury Demanded |
| |) | |
| Defendant. |) | |

ORDER

This 8th day of November, 2006, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties have agreed to exchange the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2 by November 27, 2006.

2. **Discovery.**

(a) Discovery will be needed on the following subjects:

Liability, including the reason or reasons for Plaintiff's termination.

Damages.

(b) All discovery shall be commenced in time to be completed by June 29, 2007.

(c) Maximum of 35 interrogatories by each party to any other party.

(d) Maximum of 10 requests for admission by each party to any other party.

(e) Maximum of 10 depositions by plaintiff and 10 by defendant.

(f) Each deposition [other than of Plaintiff and one individual employed by Defendant, to be designated by Plaintiff], limited to a maximum of 7 hours unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by April 16, 2007. Rebuttal expert reports due by May 15, 2007.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of other Parties, Amendment of Pleadings, and Class Certification.** All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before November 17, 2006.

4. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

5. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before August 15, 2007. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

6. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D.Del. LR 7.1.1.**

7. **Motions in Limine.** All motions in limine shall be filed on or before **[two weeks before pretrial conference]**. All responses to said motions shall be filed on or before **[one week before pretrial conference]**.

8. **Pretrial Conference.** A pretrial conference will be held on _____ at _____ m. in Courtroom No. 6B, Sixth Floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a four-day jury trial commencing on _____ in Courtroom No. 6B, Sixth Floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

United States District Judge